

Remarks

The allowance of claims 22 and 30 is acknowledged with appreciation. In this connection claims 22 and 30 are rewritten in independent form as new claims 32 and 33, respectively, and a check in payment of the \$74 statutory fee for the additional independent claim is enclosed.

Reconsideration of the objection to the specification under 35 USC 112 is respectfully requested for the following reasons. As described on page 12 of the specification in connection with Fig. 2, the armature shaft portion 202 and the armature pole portion 204 are separate parts, being connected by crimping the bushing 232 on shaft 234. Obviously, the fact that the two parts are separate and joined together as described allows for adjustment in their overall length. Furthermore, the open region in bushing 232 adjacent the axial end face of shaft 234 provides room for relative longitudinal adjustment of the two parts. Accordingly, the specification and drawings are considered to provide an enabling disclosure to persons skilled in the art within the meaning of 35 USC 112.

Reconsideration of the rejection of claims 1, 7, 9-11, 14, 16 and 17 under 35 USC 102 based on Ray is respectfully requested for the following reasons. Applicants' claimed valve is for use in implantable fluid delivery systems and, as pointed out on page 10 of the instant application, an important feature of the valve of applicants' invention is that the armature pole portion has a fluid-contacting section of material which is resistant to corrosion from insulin stabilized for use in implantable delivery systems and other corrosive drugs. Claim 1 has been amended to emphasize the foregoing. The valve disclosed by Ray is not for use in implantable fluid delivery systems, and Ray is not concerned with protecting an armature pole portion from corrosive fluids.

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Dependent claim 9 adds the passage means 176 in barrier means 160 to reduce separation time and to reduce surface tension effects thereby further patentably distinguishing over Ray. Dependent claims 10 and 11 add the longitudinally extending passages co-operating with the passage means of claim 9 further patentably distinguishing over Ray.

Dependent claims 16 and 17 call for the guiding means (260-Fig. 2, 332-Fig. 4) in the form of a flange thereby further patentably distinguishing over Ray.

In view of the foregoing, claim 1 as amended together with dependent claims 7, 9-11, 14, 16 and 17 are believed to patentably distinguish over Ray within the meaning of 35 USC 102 and 35 USC 103.

The rejection of dependent claims 3 and 4 under 35 USC 103 based on Ray is respectfully traversed. Dependent claims 3 and 4 include all the limitations of amended claim 1 which, for the reasons set forth above, is believed to patentably distinguish over Ray. In addition, the subject matter of claims 3 and 4 is directed toward a specific structure as described on page 10 of the instant application for protection against corrosive fluids and would not be obvious in view of Ray which is not concerned with protecting an armature pole portion from corrosive fluids. Furthermore, claims 3 and 4 specifically depend from claim 2 which calls for the armature pole portion comprising a body of magnetic material within a titanium enclosure. Accordingly, dependent claims 3 and 4 are believed to patentably distinguish over Ray within the meaning of 35 USC 103.

Reconsideration of the rejection of claims 5, 20 and 24 under 35 USC 103 based on Ray in view of Linssen is respectfully requested for the following reasons. Dependent claims 5 and 20 include all the limitations of amended claim 1 which for the reasons set forth above is believed to patentably distinguish

over Ray. Dependent claim 24 includes all the limitations of amended independent claim 23 which is believed to patentably distinguish over Ray for the same reasons as amended claim 1. Claim 5 adds the vent passage which is sealed by plug 226 which is not disclosed in Linssen. Claim 24 calls for the passages reducing separation time and reducing tension effects, both related to the barrier means which is completely absent from Linssen. In particular, disc 14 of Linssen, shown also in Fig. 2 thereof, is not a barrier means of fluid impervious material in the manner claimed by applicants. Accordingly, claims 5, 20 and 24 are believed to patentably distinguish over Ray and Linssen within the meaning of 35 USC 103.

The rejection of claim 2 under 35 USC 103 based on Ray in view of Falk is respectfully traversed. Dependent claim 2 includes all the limitations of amended claim 1 which for the reasons set forth above is believed to patentably distinguish over Ray. Dependent claim 2 adds the armature pole portion comprising a body of magnetic material within a titanium enclosure. Falk does not disclose an armature pole portion comprising a body of magnetic material within a titanium enclosure. Accordingly, dependent claim 2 is believed to patentably distinguish over Ray and Falk within the meaning of 35 USC 103.

Reconsideration of the rejection of claims 6, 8, 18, 23, 27-29 and 31 under 35 USC 103 based on Ray in view of Klocke is respectfully requested for the following reasons. Dependent claims 6, 8 and 18 include all the limitation of amended claim 1 which, for the reasons set forth above, is believed to patentably distinguish over Ray. Claim 23 as amended together with dependent claims 27-29 and 31 are believed to patentably distinguish over Ray for the same reasons as amended claim 1. The valve disclosed by Klocke is not for use in implantable fluid delivery systems, and Klocke is not concerned with protecting an

armature pole portion from corrosive fluids. Furthermore, Klocke discloses an armature of amorphous metal wherein one component predominates at 70-80 atom %. This is considerably different from applicants' claimed pole portion in amended claim 23 which consists essentially of a heat treated alloy of chrome, molybdenum and iron. The nature of applicants' material is further distinguished by claim 31. In view of the foregoing, claims 6, 8, 18, 23, 27-29 and 31 are believed to patentably distinguish over Ray and Klocke within the meaning of 35 USC 103.

Reconsideration of the rejection of claim 12 under 35 USC 112 is respectfully requested for the following reasons. As discussed hereinabove in response to the objection to the specification under 35 USC 112, from the fact that the armature plunger shaft is received in a bushing of the pole portion, one skilled in the art would readily understand how such a two part structure can be changed in overall length. Accordingly, claim 12 is believed to satisfy the requirements of 35 USC 112.

The rejection of claim 13 under 35 USC 103 based on Ray in view of Hruby is respectfully traversed. Dependent claim 13 includes all the limitations of amended claim 1 which, for the reasons set forth above, is believed to patentably distinguish over Ray. Hruby does not disclose anything considered to have a bearing on the reasons why amended claim 1 is believed to patentably distinguish over Ray. Accordingly, dependent claim 13 is believed to patentably distinguish over Ray and Hruby within the meaning of 34 USC 103.

The rejection of claim 15 under 35 USC 103 based on Ray in view of DuHack is respectfully traversed. Dependent claim 15 includes all the limitations of amended claim 1 which, for the reasons set forth above, is believed to patentably distinguish over Ray. DuHack does not disclose anything considered to have a bearing on the reasons why amended claim 1 is believed to patentably distinguish over Ray. Accordingly, dependent claim 15

is believed to patentably distinguish over Ray and DuHack within the meaning of 35 USC 103.

The rejection of claim 19 under 35 USC 103 based on Ray in view of Taxon is respectfully traversed. Dependent claim 19 includes all the limitations of amended claim 1 which, for the reasons set forth above, is believed to patentably distinguish over Ray. Taxon does not disclose anything considered to have a bearing on the reasons why amended claim 1 is believed to patentably distinguish over Ray. In addition, claim 19 calls for shim means between components of the housing to allow adjustment of the distance between a port and valve means on the armature plunger portion. Taxon, on the other hand, discloses a shim 141 between a guide bearing member 140 and the stop bearing tangs 126 to provide the predetermined lift of the valve. Accordingly, dependent claim 19 is believed to patentably distinguish over Ray and Taxon within the meaning of 35 USC 103.

The rejection of claims 21 and 26 under 35 USC 103 based on Ray in view of Fischer et al is respectfully traversed. Dependent claims 21 and 26 include all the limitations of amended claims 1 and 23, respectively, which for the reasons set forth above are believed to patentably distinguish over Ray. Fischer et al do not disclose anything considered to have a bearing on the reasons why amended claims 1 and 23 are believed to patentably distinguish over Ray. Furthermore, claims 21 and 26 call for the structure claimed therein facilitating initial fluid flow upon opening of the valve. Accordingly, dependents claim 21 and 26 are believed to patentably distinguish over Ray and Fischer et al within the meaning of 35 USC 103.

The rejection of claim 25 under 35 USC 103 based on Ray in view of Klocke and Taxon is respectfully traversed. Dependent claim 25 includes all the limitations of amended claim 23 which, for the reasons set forth above, is believed to patentably distinguish over Ray and Klocke. Dependent claim 25 is believed

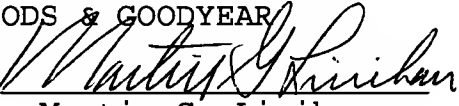
to patentably distinguish over Taxon for the same reasons as claim 19. Accordingly, dependent claim 25 is believed to patentably distinguish over Ray, Klocke and Taxon within the meaning of 35 USC 103.

For the reasons set forth above, favorable action on this application is respectfully requested.

Respectfully submitted,

HODGSON, RUSS, ANDREWS,
WOODS & GOODYEAR

By


Martin G. Linihan
Reg. No. 24, 926

1800 One M&T Plaza
Buffalo, New York 14203
(716) 856-4000
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